

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SIMEON D. PEROFF,

Plaintiff,

v.

BRIAN PEREZ, DOES 1 to 5,

Defendant.

No. CV 13-8371 UA (DUTYx)

ORDER SUMMARILY REMANDING  
ACTION TO STATE COURT

The Court will remand this Complaint for Unlawful Detainer, Case No. 13R05593, to state court summarily because Defendant removed it improperly.

On November 12, 2013, Defendant Brian Perez, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*.

The Court has denied the *in forma pauperis* application under separate cover because the action, again, was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, as the Court has previously determined, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction, and

1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*  
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if  
3 complete diversity of citizenship existed, the amount in controversy does not exceed the  
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b).

5 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*  
6 28 U.S.C. §§ 1331, 1441(b).


7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior  
8 Court of California, Los Angeles County, Santa Monica Courthouse, 1725 S. Main Street,  
9 Santa Monica, California 90401 for lack of subject matter jurisdiction pursuant to 28  
10 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court;  
11 and (3) that the Clerk serve copies of this Order on the parties.

12 IT IS SO ORDERED.

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14 DATED: 11/27/13

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19 GEORGE H. KING  
20 Chief United States District Judge

21 Presented by:

22   
23 /S/ FREDERICK F. MUMM  
24 FREDERICK F. MUMM  
25 United States Magistrate Judge  
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